

Oconee County Council
Committee Assignments & Meeting Dates
2022

Budget, Finance & Administration

February 18th [Strategic Planning Retreat beginning at 9 a.m.]

March 18th [Budget Workshop -9am],

March 1st, April 19th, May 3rd [4:30 p.m. – prior to CC meeting]

- **Mr. Elliott, Chair**
- All Council Members

Law Enforcement, Public Safety, Health & Welfare [4:30 p.m. – prior to CC meeting]

February 15th, April 5th, July 19th, September 20th

- **Mr. Davis, Chair**
- Mr. Elliott
- Mr. Cain

Transportation [4:30 p.m. – prior to CC meeting]

February 15th, April 19th [4:00 p.m.], July 19th, September 20th

- **Mr. Hart, Chair**
- Mr. Davis
- Mr. Cain

Planning & Economic Development [4:30 p.m. – prior to CC meeting]

March 15th, May 17th, August 16th, & October 18th

- **Mr. Cain, Chair**
- Mr. Davis
- Mr. Elliott

Real Estate, Facilities & Land Management [4:30 p.m. – prior to CC meeting]

March 15th, May 17th, August 16th, & October 18th

- **Mr. Davis, Chair**
- Mr. Hart
- Mr. Elliott

ALL Committee meetings begin at 4:30 p.m. unless otherwise noted.

Oconee County Council
Committee Assignments & Meeting Dates
2023

Budget, Finance & Administration

February 24th [Strategic Planning Retreat beginning at 9 a.m.]

March 24th [Budget Workshop -9a.m.],

March 7th, April 18th, May 2nd [4:30 p.m. – prior to CC meeting]

○ , Chair

○ All Council Members

Law Enforcement, Public Safety, Health & Welfare [4:30 p.m. – prior to CC meeting]

February 21st, May 16th, July 18th, September 19th

○ , Chair

Transportation [4:30 p.m. – prior to CC meeting]

February 21st, May 16th, July 18th, September 19th

○ , Chair

Planning & Economic Development [4:30 p.m. – prior to CC meeting]

March 21st, June 6th, August 15th, & October 17th


○ , Chair

Real Estate, Facilities & Land Management [4:30 p.m. – prior to CC meeting]

March 21st, June 6th, August 15th, & October 17th

○ , Chair

ALL Committee meetings begin at 4:30 p.m. unless otherwise noted.

 Boards & Commissions	State / OC Code Reference	Reps [DX-At Large-Ex Officio]	Co-Terminus	Term Limits	4 Year Term	Meeting Date to Appoint	John Elliott		Don Mize	Julian Davis	Glenn Hart				
							2023-2026	2021-2024	2023-2026	2021-2024	2021-2024	2023-2026	2021-2024	2023-2026	
							District I	District II	District III	District IV	District V	At Large	At Large	Ex-Officio	
Aeronautics Commission	2-262	5 - 2	YES	n/a	YES	Jan - March	Randy Renz [3]	Dan Suddeth [1]	Auby Perry [3]	Marion Lyles [2]	Eric Barnhill [1]	A. Brightwell [2]	David Bryant [1]		
Ag. Advisory Board	2016-17	5 - 2 - 1	YES	n/a	YES	Jan - March	K.Alexander [1]	Larry Cantrell [1]	Rex Blanton [1]	A. Townsend [1]	Charlie Whiten [1]	Debbie Sewell [2]	Tessa Moxley [1]	Chris Talley [1] 9/20/22	
Arts & Historical Commission	2-321	5 - 2	YES	2X	YES	Jan - March	Aubrey Miller [1]	Ernie Lombard [1]	Natalie Arnold	Melody Davis [1]	Mike Phillips [2]	Daniel Dreher [1]	VACANT		
Board of Zoning Appeals	38-6-1	5 - 2	YES	N/A	YES	Jan - March	Jim Codner [2]	Gwen Fowler [2]	Bill Gilster [2]	Marty McKee [3]	Timothy Mays [1]	John Eagar [1]	W. Decker [1]		
Building Codes Appeal Board		0-7	YES	2X	YES	Jan - March	Joshua Lusk [1], Osceola Gilbert [1], Rannie Bond [1]			Brad Kisker [1], James McKibben [1], Kevin Knight [2], John Sandifer [2]					
Conservation Bank Board	2-381	Appointed by Category Preferred		2X	YES	Jan - March	Laura Havran [1]	Andrew Smith [2]	Ryan Keese [1]	VACANT	Scuddy Walker [1]	Emily Hitchcock [1]	S. McCurry [1]		
Destination Oconee Action Committee															
PRT Commission [members up for reappointment due to initial stagger]	6-4-25 2-381	Appointed by Industry		2X	YES	Jan - March	Kevin Evans [2], Shawn Johnson [1], Shane Smith [2]			Riley Johnson [1], Trey Barnett [1], A. Butterbaugh [1]			K. Cope [1]		
Library Board	4-9-35 / 18-1	0 - 9	YES	2X	YES	Jan - March	S. Henderson [1 1/2021]; A. Addison [1 1/2021]; C. Holcombe [1 1/2021]; N. Miranda [1 1/2021]; L. Kummerer [1 1/2019]; M. White [1 2/2021]			C. Powell [1 1/2020]; B. Brackett [1 1/2022]; N. McKinney [1 3/2021]					
Planning Commission	6-29-310 32-4	5 - 2	YES	N/A	YES	Jan - March	T. Spicer [1]	Dave Nix [1]	Alex Vassey [2]	Frankie Pearson [2]	Gary Gaulin [1]	Patrick Williams [1]	Mike Johnson [3]		
Anderson-Oconee Behavioral Health Services Commission	2-291	0 - 7	YES	2X	3 yr	N/A	Gene Williams, Louie Holleman [1], Wanda Long [1], Priscilla Taylor [1] , Jere DuBois [1], 2 open seats as of 12/2022								BHS contacts Council w/ recommendations when seats open
Capital Project Advisory Committee (end 1.17)															
Oconee Business Education Partnership	N/A	N/A	NO	N/A	NO	January	Mr. Julian Davis, District IV								
Oconee Economic Alliance	N/A	N/A	NO	N/A	NO	January	Mr. Paul Cain , Council; Mr. Sammy Dickson; Ms. Amanda Brock, Administrator								
Ten At The Top [TATT]				NO	NO	January	Mr. Jamie Gilbert								
ACOG BOD				N/A	NO	January	Council Rep: Mr. Elliott [yearly]; 2 yr terms Citizen Rep: Bob Winchester, Minority Rep: VACANT								
Worklink Board						N/A	Worklink contacts Council w/ recommendations when seats open [Current: B. Dobbins]								
[#] - denotes term. [<2] denotes a member who has served one term and less than one half of an additional term making them eligible for one additional appointment.															
[SHADING = reappointment requested - questionnaire on file]							Denotes Individual who DOES NOT WISH TO BE REAPPOINTED								
Bold Italic TEXT denotes member ineligible for reappointment - having served or will complete serving max # of terms at the end of their current term.															
Last Updates: 12/15/2022							Council passed Ordinance 2012-05, April 3 2012 which set terms, district representation and term limits for most boards.								

2022 AGENDA ITEM SUBMISSION SCHEDULE

[One Meeting July/August/December - Rest Two Meetings Each Month]

JANUARY				
M	T	W	T	F
	4	5	6	7
10	11	12	13	14
	18	19	20	21
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31				

FEBRUARY				
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	22	23	24	25
28				

MARCH				
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28	29	30	31	

APRIL				
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MAY				
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	31			

JUNE				
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JULY				
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AUGUST				
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29	30	31		

SEPTEMBER				
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OCTOBER				
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31				

NOVEMBER				
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28	29	30		

DECEMBER				
M	T	W	T	F
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JANUARY 2023				
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23	24	25	26	27
30	31			

Committees

LEPSHW

2/15/2022
4/5/2022
7/19/2022
9/20/2022

Transportation

2/15/2022
4/19/2022 [4 p.m.]
7/19/2022
9/20/2022

Planning

3/15/2022
5/17/2022
8/16/2022
10/18/2022

REFLM

3/15/2022
5/17/2022
8/16/2022
10/18/2022

Budget

3/1/2022
3/18/2022 Workshop [9am]
4/19/2022
5/3/2022

5/3/2022 1st
5/17/2022 2nd/PH
6/07/2022 3rd/PH

Strategic Planning
Retreat is scheduled
for Friday, Feb. 18,
2022 beginning at 9am.

ALL Committee
meetings begin
at 4:30 otherwise
unless otherwise
noted.

- COUNCIL MEETING
- SUBMISSION DUE DATE
- HOLIDAYS/CLOSED
- SPECIAL COUNCIL MEETING
- BUDGET COMMITTEE MEETING
- BUDGET AND COUNCIL MEETING
- NO MEETING
- COMMITTEE & COUNCIL MEETING

2023 AGENDA ITEM SUBMISSION SCHEDULE

[One Meeting July/August/December - Rest Two Meetings Each Month]

JANUARY				
M	T	W	T	F
	3	4	5	6
9	10	11	12	13
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23	24	25	26	27
30	31			

JULY				
M	T	W	T	F
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17	18	19	20	21
24	25	26	27	28
31				

Committees

LEPSHW

2/21/2023
5/16/2023
7/18/2023
9/19/2023

FEBRUARY				
M	T	W	T	F
		1	2	3
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27	28			

AUGUST				
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Transportation

2/21/2023
5/16/2023
7/18/2023
9/19/2023

MARCH				
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SEPTEMBER				
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Planning

3/21/2023
6/6/2023
8/15/2023
10/17/2023

APRIL				
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OCTOBER				
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30	31			

REFLM

3/21/2023
6/6/2023
8/15/2023
10/17/2023

MAY				
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NOVEMBER				
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Budget

3/7/2023
3/24/2023 [9am]
4/18/2023
5/2/2023

5/2/2023 1st
5/16/2023 2nd/PH
6/6/2023 3rd/PH

JUNE				
M	T	W	T	F
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DECEMBER				
M	T	W	T	F
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**Strategic Planning
Retreat is scheduled for
Friday, Feb. 24, 2023
beginning at 9 a.m.**

**ALL Committee
meetings begin at
4:30 p.m. unless
otherwise noted.**

- COUNCIL MEETING
- SUBMISSION DUE DATE
- HOLIDAYS/CLOSED
- SPECIAL COUNCIL MEETING
- BUDGET COMMITTEE MEETING
- BUDGET AND COUNCIL MEETING
- NO MEETING
- COMMITTEE & COUNCIL MEETING

Jan-24				
M	T	W	T	F
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**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2022-26**

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 6 OF THE OCONEE COUNTY CODE OF ORDINANCES IN RELATION TO THE ADOPTION OF MANDATORY AND PERMISSIVE BUILDING AND RELATED CODES AND STANDARDS; AND OTHER MATTERS RELATED THERETO.

WHEREAS, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County (“County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (“County Council”), has the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein;

WHEREAS, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (“Code of Ordinances”), as amended;

WHEREAS, pursuant to S.C. Code Sections 6-9-50 and 6-9-60 the County has adopted by reference certain mandatory and permissive building and related codes and standards, as reflected in Article II of Chapter 6 of the Code of Ordinances;

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, Article II of Chapter 6 of the Code of Ordinances in order to adopt and recognize the latest editions of the following mandatory codes and appendices with modifications, as adopted by the South Carolina Building Codes Council, to be effective January 1, 2023:

1. 2021 International Building Code with South Carolina modifications;
2. 2021 International Residential Code with South Carolina modifications;
3. 2021 International Fire Code with South Carolina modifications;
4. 2021 International Plumbing Code with South Carolina modifications;
5. 2021 International Mechanical Code with South Carolina modifications;
6. 2021 International Fuel Gas Code with South Carolina modifications;
7. 2020 National Electrical Code (NFPA 70) with South Carolina modifications; and the
8. 2009 International Energy Conservation Code (Energy Standard Act); and

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, Article

II of Chapter 6 of the Code of Ordinances in order to adopt and/or specifically recognize the latest editions of the following permissive codes:

1. 2021 International Property Maintenance Code;
2. 2021 International Existing Building Code;
3. 2021 International Performance Code for Buildings and Facilities; and the
4. 2021 International Swimming Pool and Spa Code.

NOW THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. The foregoing mandatory and permissive codes are hereby adopted as the building and related codes and standards for Oconee County, as reflected on Exhibit A, which is attached hereto and incorporated herein by reference, and which delineates the modifications to Article II of Chapter 6 of the Oconee County Code of Ordinances with greater particularity and which will hereafter be codified as law of the County.
2. The above-referenced mandatory codes shall become effective January 1, 2023.
3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.
4. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
5. All other terms, provisions, and parts of the Code of Ordinances, and specifically the remainder of Chapter 6, not amended hereby, directly or by implication, shall remain in full force.
6. This Ordinance shall take effect and be in full force from and after third reading, public hearing, and enactment by County Council.

Signatures on Following Page

ORDAINED in meeting, duly assembled, this _____ day of _____, 2023.

ATTEST:

Jennifer Adams
Clerk to Oconee County Council

John Elliott
Chair, Oconee County Council

First Reading: November 15, 2022
Second Reading: December 06, 2022
Third Reading: January 03, 2023
Public Hearing: January 03, 2023

EXHIBIT A to Ordinance 2022-26

ARTICLE II. - REGULATORY CODES

Sec. 6-40. - General.

The following mandatory and permissive nationally recognized codes, as well as their respective administration sections, and any such code editions and versions updated by act of the South Carolina Buildings Code Council or other applicable authority, from time to time, are hereby adopted by reference, as required under S.C. Code § 6-9-50 or permitted under S.C. Code § 6-9-60:

Mandatory Codes¹:

1. 2021 International Building Code with South Carolina modifications;
2. 2021 International Residential Code with South Carolina modifications;
3. 2021 International Fire Code with South Carolina modifications;
4. 2021 International Plumbing Code with South Carolina modifications;
5. 2021 International Mechanical Code with South Carolina modifications;
6. 2021 International Fuel Gas Code with South Carolina modifications;
7. 2020 National Electrical Code (NFPA 70) with South Carolina modifications; and the
8. 2009 International Energy Conservation Code.

Permissive Codes:

1. 2021 International Existing Building Code;
2. 2021 International Performance Code for Buildings and Facilities;
3. 2021 International Property Maintenance Code; and the
4. 2021 International Swimming Pool and Spa Code.

Pursuant to S.C. Code § 6-9-50 and § 6-9-60, Oconee County hereby adopts the provisions of the codes referenced in this Article that concern the qualification, removal, dismissal, duties, responsibilities of, and the administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants. "Oconee County" is hereby inserted as the applicable jurisdiction in each of the codes.

Sec. 6-41. - International Building Code with South Carolina Modifications.

The 2021 International Building Code with South Carolina modifications and its respective administration sections contained in Chapter 1 are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-42. - International Energy Conservation Code with South Carolina Modifications.

The 2009 International Energy Conservation Code, as updated by act of the South Carolina Buildings Code Council or other applicable authority, and its respective administration sections

¹ Effective January 1, 2023

contained in Chapter 1 are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-43. - International Fire Code with South Carolina Modifications.

The 2021 International Fire Code with South Carolina modifications and its respective administration sections contained in Chapter 1 are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-44. - International Fuel Gas Code with South Carolina Modifications.

The 2021 International Fuel Gas Code with South Carolina Modifications and its respective administration sections contained in Chapter 1 are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-45. - International Mechanical Code with South Carolina Modifications.

The 2021 International Mechanical Code with South Carolina Modifications and its respective administration sections contained in Chapter 1 are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-46. - International Plumbing Code with South Carolina Modifications.

The 2021 International Plumbing Code with South Carolina Modifications and its respective administration sections contained in Chapter 1 are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-47. - International Residential Code with South Carolina Modifications.

The 2021 International Residential Code with South Carolina Modifications and its respective administration sections contained in Chapter 1 are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-48. - National Electrical Code with South Carolina Modifications

The 2020 National Electrical Code (NFPA 70) with South Carolina Modifications is hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-49. - International Existing Building Code.

The 2021 International Existing Building Code, as (and if) updated or modified by act of the South Carolina Buildings Code Council or other applicable authority, from time to time, and its respective administration sections contained in Chapter 1 are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-50. - International Performance Code for Buildings and Facilities.

The 2021 International Performance Code for Buildings and Facilities, as (and if) updated or modified by act of the South Carolina Buildings Code Council or other applicable authority, from time to time, and its respective administration sections contained in Chapter 1, are hereby

adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Sec. 6-51. - International Property Maintenance Code.

The 2021 International Property Maintenance Code, as (and if) updated or modified by act of the South Carolina Buildings Code Council or other applicable authority, from time to time, and its respective administration sections contained in Chapter 1 are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

The following changes or additions to the International Property Maintenance Code are hereby adopted:

Section 103.1 – “Code Enforcement”

Section 107 and 108 – “See Section 6-85 of the Oconee County Code of Ordinance for provisions related to appeals.”

Section 302.4 – “Reference other provisions in this Section 302 in relation to sanitation, rodent harborage, and the like” is inserted in the blank contained in this section with respect to weeds.

Section 602.3 – November to April.

Section 602.4 – November to April.

Sec. 6-52. – International Swimming Pool Code

The 2021 International Swimming Pool and Spa Code, as (and if) updated or modified by act of the South Carolina Buildings Code Council or other applicable authority, from time to time, and its respective administration sections contained in Chapter 1, are hereby adopted and incorporated into this chapter of the Oconee County Code of Ordinances by reference.

Secs. 6-53 - 6-80. - Reserved.

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2022-29**

**AN ORDINANCE TO AMEND CHAPTER 4 OF THE
OCONEE COUNTY CODE OF ORDINANCES, ENTITLED
THE *OCONEE COUNTY ANIMAL CONTROL ACT*; AND
OTHER MATTERS RELATED THERETO.**

WHEREAS, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County (“County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (“County Council”), has the authority to enact regulations, resolutions, and ordinances not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein;

WHEREAS, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the “Code of Ordinances”), as amended;

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, certain sections of Chapter 4 of the Code of Ordinances, entitled the *Oconee County Animal Control Act*;

WHEREAS, the County has specific authority pursuant South Carolina state law, including the provisions of S.C. Code § 47-3-10, et seq. and S.C. Code § 47-5-10, et seq., to regulate issues related to animal control and care; and

WHEREAS, County Council has therefore determined to modify Chapter 4 of the Code of Ordinances and to affirm and preserve all other provisions of the Code of Ordinances not specifically, or by implication, amended hereby.

NOW, THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Chapter 4 of the Code of Ordinances, entitled the *Oconee County Animal Control Act*, is hereby revised, rewritten, and amended to read as set forth in Exhibit A which is attached hereto and incorporated herein by reference. Attached hereto as Exhibit B is a version of Chapter 4 showing the substantive changes made to the existing ordinance; it is for illustrative purposes only and shall not be codified.

2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

4. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force.

5. This Ordinance shall take effect and be in full force from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this _____ day of _____, 2023.

ATTEST:

Jennifer C. Adams
Clerk to Oconee County Council

John Elliott
Chair, Oconee County Council

First Reading: November 15, 2022
Second Reading: December 06, 2022
Third Reading: January 03, 2023
Public Hearing: January 03, 2023

2022-29 EXHIBIT A

Chapter 4 ANIMALS¹

Sec. 4-1. Title.

This chapter shall be known as the Oconee County Animal Control Act.
(Ord. No. 2005-01, § 1, 2-1-2005)

Sec. 4-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned animal means an animal that has been deserted, forsaken, or given up without another owner being secured. An abandoned animal is also one that has not been provided regular access to adequate and appropriate food, water, shelter, and care. Cats subject to an approved community cat program or trap, neuter, spay, and release program are not considered abandoned animals.

Adequate shelter means that shelter which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions which result in offensive odors or are dangerous to the animal or to public health, welfare or safety; and shall be as free of ticks, fleas, flies, and mosquitoes as reasonably possible. A suitable method of drainage shall be provided to eliminate any excess water or moisture rapidly. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside and unattended, adequate shelter shall meet the following minimum standards:

1. The shelter shall adequately resist water and wind and be of a suitable size to accommodate the dog and allow retention of body heat.
2. At or below thirty-two degrees Fahrenheit, the structure shall be provided with a sufficient quantity of dry bedding material or other means of protection from the weather that will allow the animal to retain body heat.
3. At or above eighty degrees Fahrenheit, each dog must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun.

¹Cross reference(s)—Environment, ch. 12.

State law reference(s)—Authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.; rabies control, S.C. Code 1976, §§ 47-5-10—47-5-210.

Animal means a living vertebrate creature, excepting homo-sapiens.

Animal at large means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner. A community cat is not considered an animal at large.

Animal control officer means any person designated by the State of South Carolina or county governing authority of Oconee County as a law enforcement officer pursuant to S.C. Code 1976, § 47-3-30.

Animal rescuer means any recognized group or person who routinely obtains an unwanted dog or cat and who promptly finds an adoptive home for that spayed or neutered dog or cat.

Animal shelter means any premises designated by the county governing body for the purpose of impounding, care, or humane euthanasia of animals held under authority of this chapter and/or state law.

Community cat means any free-roaming cat found outside, which one or more citizens participate in caring for. Citizens that partake in caring for a community cat must ensure that the cat's ears are tipped so that it can be distinguished from owned or stray cats. Community cats must also be spayed or neutered and vaccinated to prevent the spread of disease to owned animals.

Dangerous animal means an animal:

- (1) Which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals;
- (2) Which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720;
- (3) Which commits unprovoked acts in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
- (4) Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
- (5) Which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

An animal is not a dangerous animal solely by virtue of its breed or species.

Owner means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal, excluding a community cat, shall be declared to be harbored if it is fed for three (3) consecutive days or more, unless said person, partnership or corporation has notified animal control to pick up the stray animal.

Pet or companion animal means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Potentially dangerous animal means an animal that, without provocation, chases or approaches any person or domestic animal, anywhere other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.

Public nuisance animal means any animal, that unreasonably annoys humans, endangers the life or health of other citizens (other than its owners), or interferes with a citizen's enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Is found at large after a written complaint has been filed;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. (Refer to Chapter 12, Article 2 of the Oconee County Code of Ordinances for additional provisions related to noise disturbance;
- (5) Causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every 24 hours or washing of same into an approved underground disposal system every 24 hours, excepting animals lawfully raised for food or food products;
- (6) Has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or
- (7) A dog or cat that does not have attached a valid current rabies inoculation tag as required by state law.

Under restraint. An animal shall be deemed under restraint if it is on the premises of its owner or custodian or is accompanied by its owner or custodian and under the physical control of such owner or custodian by means of a restraining device. This section does not apply to dogs lawfully engaged in hunting.

(Ord. No. 2005-01, § 2, 2-1-2005)

Sec. 4-3. Authority.

This chapter is adopted pursuant to the provisions of S.C. Code 1976, § 47-3-20 et seq.

(Ord. No. 2005-01, § 3, 2-1-2005)

Sec. 4-4. Restraint.

- (a) All owned animals shall be kept under restraint, which includes confinement to the owner's or custodian's premises. (See Section 4-2 Definitions, above.)
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance.

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- (c) Owners shall ensure that if their female dog or cat is in heat, it shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
 - (d) Every dangerous animal and potentially dangerous animal, as determined under this chapter, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
 - (e) Owners shall ensure their animals are restrained in a humane manner.
 - (f) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used that meets the following criteria:
 - (1) The tether shall be at least 10 feet in length.
 - (2) The tether shall not be a logging chain, tow chain, or other tether that is of a weight that is likely to cause injury to the dog;
 - (3) The tether should have swivels on both ends and allow the dog to have the highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along a runner line. The trolley system should be at least three feet above the ground.
 - (4) The tether must allow the dog free access to food, potable water, and adequate shelter (as defined in Section 4-2 of this Chapter).
 - (5) The tether must be attached to a properly fitting collar or harness so that there is no harm to the dog.
 - (6) If more than one dog is tethered in the same area, they must be separated to prevent entanglement.
 - (7) If an underground or wireless fence is used to restrain a dog(s), the fence and appurtenances must be properly maintained so as to keep the dog(s) within the enclosed area and the fence must be capable of restraining the animal confined.

(Ord. No. 2005-01, § 4, 2-1-2005)

Sec. 4-5. Biting or attacking persons.

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the department of health and environmental control. Whenever the animal control officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the county department of health and environmental control of such bite or attack and shall cooperate with the health department in impounding and quarantining such animal.

(Ord. No. 2005-01, § 5, 2-1-2005)

Sec. 4-6. Impoundment and violation notice.

- (a) (1) Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, may be taken by law enforcement officials and/or animal control officers and impounded in the county animal shelter and there be confined in a humane manner.
- (2) In addition to, or in lieu of, impounding an animal at large, the animal control officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense, with subsequent offenses being punishable up to the jurisdictional limits of the magistrate's court
- (3) In addition, the owner shall be required to pay a fee of \$10.00 per day for each day the animal is boarded by the county, actual cost for inoculation of the animal (if applicable) and a \$10.00 impoundment fee. Further, a \$15.00 fee will be charged for a mandatory microchip implant for animals not previously microchipped.
- (b) Notwithstanding the above, an animal control officer and/or law enforcement officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.
- (c) Impounded dogs and cats shall not be kept for fewer than five (5) calendar days.
- (d) Animal control officers shall not destroy any positively identifiable dog until they have notified the owner at his last known address by registered mail that they have the dog in their possession. The owner must notify the animal control officer within two weeks that he will pick up his dog. If the owner does not pick up his dog within two weeks of notification to the animal control officer, the dog may be destroyed. Reasonable costs associated with the above extended holding period, including cost of mailing the required notice, must be paid before the dog is returned to its owner, or the owner's designee, in addition to any other established costs, fines, fees, or other charges.
- (e) Abandoned animals shall be impounded and shall be kept for no fewer than five (5) calendar days.
- (f) Any owner reclaiming an impounded dog or cat shall pay the fee provided for in subsection (a) of this section before the animal can be released.
- (g) Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.
- (h) Any animal not reclaimed by its owner within five (5) calendar days, or in the case of a positively identifiable animal within ten (10) calendar days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized, as approved by state law.
- (i) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.

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- (j) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
 - (k) It shall be unlawful to resist or hinder animal control officers or law enforcement officers engaging in the capture and impoundment of an animal.
 - (l) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.
- (Ord. No. 2005-01, § 6, 2-1-2005)

Sec. 4-7. Dangerous animals.

- (a) If an animal control officer has probable cause to believe that a dangerous animal is being harbored or cared for in violation of S.C. Code § 47-3-720 (unconfined on premises) or § 47-3-740 (owning/harboring for purposes of fighting) or § 47-3-760(E) (registration), the officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.
- (b) If an animal control agent has probable cause to believe that a dangerous animal is being harbored or housed in violation of S. C. Code Section § 47-3-730 (unrestrained off premises), the agent or officer may seize and impound the dangerous animal while the trial is pending.
- (c) Animals impounded under subsections (a) or (b), above, shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (d) Upon impounding an animal under this section, a determination hearing should be conducted as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten (10) days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within ten (10) business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten (10) days of receiving the decision of the magistrate.
- (e) An animal determined to be dangerous under this section, which has attacked or caused injury to a human being or a domestic animal, may be ordered destroyed by the magistrate when in the magistrate's judgment the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the animal shelter or law enforcement officer. A

magistrate may return a dangerous animal to the owner if the magistrate finds that the animal will not pose a threat to human beings and/or domestic animals and that the owner has and will fully comply with subsections (f), (g), and (h) of this section.

- (f) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed pen or structure which must be secured by lock and key or combination lock. The pen or structure shall be suitable to prevent the animal from escaping. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.
- (g) No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- (h) In accordance with S.C. Code of Laws § 47-3-760 (E) all dangerous animals inside Oconee County must be registered with the Oconee County Animal Control, or its successor "law enforcement authority." If the animal was deemed dangerous by an Oconee County Court, a copy of the court order must be kept on file. If the dangerous animal was transferred into Oconee from another county or state, documentation from that jurisdiction must be provided within thirty (30) days. The Director of Animal Control will be responsible for maintaining records of all dangerous animals inside Oconee County. The registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the dangerous animal. Oconee County Animal Control, or its successor, shall provide to the owner registering the dangerous animal a metal license tag and a certificate along with a designated dangerous dog collar. Fees for these items must be collected at registration. The metal license tag must be attached to a collar or harness and worn at all times by the dangerous animal for which the certificate and tag have been issued. The pen or structure must be clearly marked on 4 sides with a sign stating "dangerous animal."

(1) Registration information required for dangerous animals:

- (a) Species and breed.
- (b) Address of where animal will be located.
- (c) Owner information.
- (d) Proof of rabies inoculation (must be submitted annually).
- (e) Photo of animal (must be submitted annually).
- (f) Waiver for inspections of confinement site.

(2) The owner of a dangerous animal shall notify Oconee County Animal Control if any changes occur with the following:

(a) Ownership. In the case of a change of ownership, the name, address, and telephone number of the new owner/custodian must, within five (5) days of transfer, be provided to Oconee County Animal Control. Oconee County Animal Control will notify the new owner/custodian of the dangerous animal's status, and also notify the animal control services in the jurisdiction where the animal is housed.

(b) Address change of the owner/custodian or any change in the location in which the animal is housed.

(c) Any material change in the health status of the animal.

(d) Death of the animal.

(Ord. No. 2005-01, § 7, 2-1-2005)

Cross reference(s)—Environment. ch. 12

Sec. 4-8. Potentially dangerous animals.

- (a) The animal control officer or law enforcement officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling. The animal shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal's status as a potentially dangerous animal. The animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (b) Upon impounding a potentially dangerous animal a determination hearing should be conducted as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten (10) days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a potentially dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within ten (10) business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten (10) days of receiving the decision of the magistrate.
- (c) Upon a finding that an animal is a potentially dangerous animal, the magistrate may order that the animal be forfeited by the owner and placed with an agency willing to accept custody of said animal or may return said animal to the owner if the owner has and will comply with subsections (d) and (e) of this section.
- (d) The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on the owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or

structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.

- (e) No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(Ord. No. 2005-01, § 8, 2-1-2005)

Sec. 4-9. Animal care.

- (a) No owner shall fail to provide his animals with:
 - (1) Necessary subsistence and adequate shelter, as defined in Section 4-2;
 - (2) Veterinary care when needed to prevent suffering; and
 - (3) Humane care and treatment.

All animals shall be kept in a clean and sanitary condition. The premises upon which the animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

- (b) No owner of an animal shall abandon such animal. A person who returns a community cat to the location from where it was collected shall not be considered to have abandoned that animal.
- (c) Any animal found abandoned and not properly cared for, appearing to be diseased or injured past recovery for any useful purpose, may be humanely euthanized by an agent of the department of health and environmental control, law enforcement officer, or an animal control officer, by a method approved by state law.
 - (1) If the animal is identifiable, attempts to contact the owner shall be made by phone or at the residence in person.
 - (2) If the animal is not identifiable and is in great pain, the cause of which is not reasonably treatable, the animal may be humanely euthanized immediately without attempts to contact the owner.
- (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by the animal control officer or law enforcement officer and impounded at the county animal shelter; provided, however, that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

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- (e) The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

(Ord. No. 2005-01, § 9, 2-1-2005)

Sec. 4-10. Sterilization.

- (a) No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and a specified date in the contract for pups and kittens; provided, however, the county provides a program whereby the spay/neuter is included with the adoption fee.
- (b) No animal shall be released for adoption from the county animal shelter that has not been sterilized; provided however, that the county or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

(Ord. No. 2005-01, § 10, 2-1-2005)

Sec. 4-11. Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies legally authorized by the county for that purpose. It shall be a violation of this chapter to interfere with an animal control officer or law enforcement officer in the performance of his duties. It shall be a violation of this chapter to provide false information to a law enforcement officer or an animal control officer. This includes but is not limited to information provided on intake forms, bite reports, owner surrender forms, complaint forms, and reclaim forms. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. Additionally, the magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

(Ord. No. 2005-01, § 11, 2-1-2005)

Sec. 4-12. Penalties for violation of chapter.

Any person found violating any provision of this chapter shall be deemed guilty of a misdemeanor and, for each offense, may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner or owners and placed within an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated, or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

(Ord. No. 2005-01, § 12, 2-1-2005)

Sec. 4-13. Applicability of Rabies Control Act.

The provisions of S.C. Code 1976, § 47-5-10 et seq., commonly known as the Rabies Control Act, are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this chapter, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this chapter.

(Ord. No. 2005-01, § 13, 2-1-2005)

2022-29 EXHIBIT B

Chapter 4 ANIMALS¹

Sec. 4-1. Title.

This chapter shall be known as the Oconee County Animal Control Act.
(Ord. No. 2005-01, § 1, 2-1-2005)

Sec. 4-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Abandoned or stray animal* means any animal unattended for a period of more than three days.~~

Abandoned animal means an animal that has been deserted, forsaken, or given up without another owner being secured. An abandoned animal is also one that has not been provided regular access to adequate and appropriate food, water, shelter, and care. Cats subject to an approved community cat program or trap, neuter, spay, and release program are not considered abandoned animals.

Adequate shelter means that shelter which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions which result in offensive odors or are dangerous to the animal or to public health, welfare or safety; and shall be as free of ticks, fleas, flies, and mosquitoes as reasonably possible. A suitable method of drainage shall be provided to eliminate any excess water or moisture rapidly. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside and unattended, adequate shelter shall meet the following minimum standards:

1. The shelter shall adequately resist water and wind and be of a suitable size to accommodate the dog and allow retention of body heat.

2. At or below thirty-two degrees Fahrenheit, the structure shall be provided with a sufficient quantity of dry bedding material or other means of protection from the weather that will allow the animal to retain body heat.

¹Cross reference(s)—Environment, ch. 12.

State law reference(s)—Authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.; rabies control, S.C. Code 1976, §§ 47-5-10—47-5-210.

3. At or above eighty degrees Fahrenheit, each dog must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun.

Animal means ~~every nonhuman species of animal.~~ a living vertebrate creature, excepting homo-sapiens.

Animal at large means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner. A community cat is not considered an animal at large.

Animal control officer means any person designated by the State of South Carolina or county governing authority of Oconee County as a law enforcement officer pursuant to S.C. Code 1976, § 47-3-30.

Animal rescuer means any recognized group or person who routinely obtains an unwanted dog or cat and ~~or~~ who promptly finds an adoptive home for that spayed or neutered dog or cat.

Animal shelter means any premises designated by the county governing body for the purpose of impounding, care, or ~~destruction~~ humane euthanasia of animals held under authority of this chapter and/or state law.

Community cat means any free-roaming cat found outside, which one or more citizens participate in caring for. Citizens that partake in caring for a community cat must ensure that the cat's ears are tipped so that it can be distinguished from owned or stray cats. Community cats must also be spayed or neutered and vaccinated to prevent the spread of disease to owned animals.

Dangerous animal means an animal:

- (1) Which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals;
- (2) Which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720;
- (3) ~~2~~ Which commits unprovoked acts in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
- (4) Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
- (5) Which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

An animal is not a dangerous animal solely by virtue of its breed or species.

~~Humane Society means the South Carolina Society for the Prevention of Cruelty to Animals.~~

~~Humane Society officer means any officer or employee of the Humane Society.~~

Owner means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal, ~~excluding a community cat,~~ shall be declared to be harbored if it is fed for three (3) consecutive days or more, unless said person, partnership or corporation has notified animal control to pick up the stray animal.

Pet or companion animal means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Potentially dangerous animal means an animal that, without provocation, chases or approaches any person or domestic animal, anywhere other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.

Public nuisance animal means any animal, ~~except those raised for food and/or food products,~~ that unreasonably annoys humans, endangers the life or health of other citizens (other than its owners), or interferes with a citizen's enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Is found at large after a written complaint has been filed;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; (Refer to Chapter 12, Article 2 of the Oconee County Code of Ordinances for additional provisions related to noise disturbance;
- (5) Causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every 24 hours or washing of same into an approved underground disposal ~~systems~~system every 24 hours, excepting animals lawfully raised for food or food products;
- (6) Has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or
- (7) ~~Does~~A dog or cat that does not have attached a valid current rabies inoculation tag as required by state law.

Under restraint. An animal shall be deemed under restraint if it is on the premises of its owner or ~~keeper~~custodian or is accompanied by its owner or ~~keeper~~custodian and under the physical control of such owner or ~~keeper~~custodian by means of a ~~restraining devices, or under the verbal command, or under the active control of the owner or trainer while~~device. This section does not apply to dogs lawfully engaged in hunting ~~or being trained and while on property of the owner or with the property owner's permission.~~

(Ord. No. 2005-01, § 2, 2-1-2005)

Sec. 4-3. Authority.

This chapter is adopted pursuant to the provisions of S.C. Code 1976, § 47-3-20 et seq. (Ord. No. 2005-01, § 3, 2-1-2005)

Sec. 4-4. Restraint.

- (a) All owned animals shall be kept under restraint, which includes confinement to the owner's or custodian's premises. (See Section 4-2 Definitions, above.)
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance.
- (c) Every Owners shall ensure that if their female dog or cat is in heat, it shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (d) Every dangerous animal and potentially dangerous animal, as determined under this chapter, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(e) Owners shall ensure their animals are restrained in a humane manner.

(f) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used that meets the following criteria:

(1) The tether shall be at least 10 feet in length.

(2) The tether shall not be a logging chain, tow chain, or other tether that is of a weight that is likely to cause injury to the dog;

(3) The tether should have swivels on both ends and allow the dog to have the highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along a runner line. The trolley system should be at least three feet above the ground.

(4) The tether must allow the dog free access to food, potable water, and adequate shelter (as defined in Section 4-2 of this Chapter).

(5) The tether must be attached to a properly fitting collar or harness so that there is no harm to the dog.

(6) If more than one dog is tethered in the same area, they must be separated to prevent entanglement.

(7) If an underground or wireless fence is used to restrain a dog(s), the fence and appurtenances must be properly maintained so as to keep the dog(s) within the enclosed area and the fence must be capable of restraining the animal confined.

(Ord. No. 2005-01, § 4, 2-1-2005)

Sec. 4-5. Biting or attacking persons.

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the department of health and environmental control. Whenever the animal control ~~officer or Humane Society~~ officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the county department of health and environmental control of such bite or attack and shall cooperate with the health department in impounding and quarantining such animal.

(Ord. No. 2005-01, § 5, 2-1-2005)

Sec. 4-6. Impoundment and violation notice.

- (a) (1) Unrestrained and nuisance ~~animals~~animals, upon receipt of a written complaint signed by the complainant, may be taken by law enforcement officials and/or animal control officers and impounded in the county animal shelter and there be confined in a humane manner.
- (2) In addition to, or in lieu of, impounding an animal at large, the animal control officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. ~~Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of \$100.00 for the second violation, \$125.00 for the third violation and \$150.00 for each subsequent violation. Said penalties shall be made payable to the treasurer of the county and paid at the county animal shelter within ten business days from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period described, a bench warrant shall be issued by a magistrate and, upon conviction, the owner shall be punished as provided in section 4-12. Such notice shall impose upon the owner a warning for a first offense, with subsequent offenses being punishable up to the jurisdictional limits of the magistrate's court~~
- (3) In addition, the owner shall be required to pay a fee of ~~\$5~~10.00 per day for each day the animal is boarded by the county, actual cost for inoculation of the animal (if applicable) and a ~~\$5.00 impoundment fee. In addition, at the discretion of the animal shelter, a fee of \$30.00 and mandatory sterilization of the animal may be required if the animal is impounded on more than one occasion. The impoundment fee shall be \$5.00 and \$25.00 shall help defray the cost of sterilization. The sterilization shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal due to reasons of age or health or that the animal has already been sterilized.~~10.00 impoundment fee. Further, a \$15.00 fee will be charged for a mandatory microchip implant for animals not previously microchipped.
- (b) Notwithstanding the above, an animal control officer and/or law enforcement officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.
- (c) Impounded dogs and cats shall not be kept for fewer than five ~~working~~(5) calendar days.

-
- (d) ~~if by tag or other means~~ Animal control officers shall not destroy any positively identifiable dog until they have notified the owner of an impounded animal can be identified, at his last known address by registered mail that they have the dog in their possession. The owner must notify the animal control officer shall immediately upon impoundment notify the owner by telephone within two weeks that he will pick up his dog. If the owner does not pick up his dog within two weeks of notification to the animal control officer, the dog may be destroyed. Reasonable costs associated with the above extended holding period, including cost of mailing the required notice, must be paid before the dog is returned to its owner, or the owner's designee, in addition to any other established costs, fines, fees, or certified mail. Any identifiable animal, not appearing to be abandoned, upon notification of the owner by telephone or certified mail, shall not be kept for fewer than ten days. ~~other charges.~~
- (e) Abandoned animals shall be impounded and shall be kept for no fewer than five ~~working~~ (5) calendar days.
- (f) Any owner reclaiming an impounded dog or cat shall pay the fee provided for in subsection (a) of this section before the animal can be released.
- (g) Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.
- (h) Any animal not reclaimed by its owner within five ~~working~~ (5) calendar days, or in the case of a positively identifiable animal within ten (10) calendar days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely ~~disposed of~~ euthanized, as approved by state law.
- (i) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.
- (j) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
- (k) It shall be unlawful to resist or hinder animal control officers or law enforcement officers engaging in the capture and impoundment of an animal. ~~It shall be unlawful to give false information to an animal control officer or law enforcement officer.~~
- (l) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.
- (Ord. No. 2005-01, § 6, 2-1-2005)

Sec. 4-7. Dangerous animals.

- (a) ~~The~~ If an animal control officer ~~and law enforcement officials shall have the power~~ has probable cause to summarily and immediately impound any ~~believe that a dangerous animal where there is any evidence that the animal has attacked, bitten, or injured any human being~~ harbored or cared for in violation of S.C. Code § 47-3-720 (unconfined on premises) or domestic § 47-3-740 (owning/harboring for purposes of fighting) or § 47-3-760(E) (registration), the officer may petition the court having

jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.

(b) If an animal, ~~The control agent has probable cause to believe that a dangerous animal is being harbored or housed in violation of S. C. Code Section § 47-3-730 (unrestrained off premises), the agent or officer may seize and impound the dangerous animal while the trial is pending.~~

(c) Animals impounded under subsections (a) or (b), above, shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event ~~that~~ an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.

(~~b~~d) Upon impounding ~~a potentially dangerous~~an animal ~~or a dangerous animal that has attacked, bitten or injured a human being or a domestic animal~~under this section, a determination hearing should be conducted ~~within five business days of serving~~as soon as reasonably possible, with notice ~~to~~of such hearing being served on the owner by ~~certified~~registered mail or personal service at least ten (10) days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within ~~five~~ten (10) business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten (10) days of receiving ~~such~~the decision of the magistrate.

(~~e~~e) An animal determined to be dangerous ~~as determined in subsection (b) of~~under this section, which has attacked or caused injury to a human being or a domestic animal, may be ordered destroyed by the magistrate when in the magistrate's judgment the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the ~~Humane Society~~animal shelter or law enforcement officer. A magistrate may return a dangerous animal to the owner if the magistrate finds that the animal will not pose a threat to human beings and/or domestic animals and that the owner has and will fully comply with subsections ~~(~~f~~f), (g), and (~~e~~h)~~(~~f~~f), (g), and (~~e~~h) of this section.

(~~f~~f) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed pen or structure which must be secured by lock and ~~locked (with a key or combination lock).~~ The pen or structure, shall be suitable to prevent the animal from escaping ~~said pen or structure.~~ The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the

ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.

(eg) No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(h) In accordance with S.C. Code of Laws § 47-3-760 (E) all dangerous animals inside Oconee County must be registered with the Oconee County Animal Control, or its successor “law enforcement authority.” If the animal was deemed dangerous by an Oconee County Court, a copy of the court order must be kept on file. If the dangerous animal was transferred into Oconee from another county or state, documentation from that jurisdiction must be provided within thirty (30) days. The Director of Animal Control will be responsible for maintaining records of all dangerous animals inside Oconee County. The registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the dangerous animal. Oconee County Animal Control, or its successor, shall provide to the owner registering the dangerous animal a metal license tag and a certificate along with a designated dangerous dog collar. Fees for these items must be collected at registration. The metal license tag must be attached to a collar or harness and worn at all times by the dangerous animal for which the certificate and tag have been issued. The pen or structure must be clearly marked on 4 sides with a sign stating “dangerous animal.”

(1) Registration information required for dangerous animals:

- _____ (a) Species and breed.
- _____ (b) Address of where animal will be located.
- _____ (c) Owner information.
- _____ (d) Proof of rabies inoculation (must be submitted annually).
- _____ (e) Photo of animal (must be submitted annually).
- _____ (f) Waiver for inspections of confinement site.

(2) The owner of a dangerous animal shall notify Oconee County Animal Control if any changes occur with the following:

(a) Ownership. In the case of a change of ownership, the name, address, and telephone number of the new owner/custodian must, within five (5) days of transfer, be provided to Oconee County Animal Control. Oconee County Animal Control will notify the new owner/custodian of the dangerous animal’s status, and also notify the animal control services in the jurisdiction where the animal is housed.

(b) Address change of the owner/custodian or any change in the location in which the animal is housed.

(c) Any material change in the health status of the animal.

(d) Death of the animal.

(Ord. No. 2005-01, § 7, 2-1-2005)

Cross reference(s)—Environment. ch. 12

Sec. 4-8. Potentially dangerous animals.

- (a) The animal control officer or law enforcement officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling. The animal shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal's status as a potentially dangerous animal. The animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (b) Upon impounding a potentially dangerous animal, ~~the a~~ determination hearing should be conducted ~~within five days of serving~~ as soon as reasonably possible, with notice ~~to~~ of such hearing being served on the owner by ~~certified~~ registered mail or personal service at least ten (10) days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a potentially dangerous animal based ~~on~~ upon the evidence ~~of and~~ testimony presented at the hearing by the owner, witnesses to any ~~incidences, and incidents, or~~ any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within ~~five~~ ten (10) business days after the hearing. The owner of such animal shall have ~~the~~ right to appeal ~~such a~~ the decision to the court of common pleas of the county within ten (10) days of receiving the decision of the magistrate.
- (c) Upon a finding that an animal is a potentially dangerous animal, the magistrate may order that the animal be forfeited by the owner and placed with an agency willing to accept custody of said animal or may return said animal to the owner if the owner has and will comply with subsections (d) and (e) of this section.
- (d) The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on the owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.

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- (e) No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(Ord. No. 2005-01, § 8, 2-1-2005)

Sec. 4-9. Animal care.

- (a) No owner shall fail to provide his animals with:
- (1) ~~The necessary~~Necessary subsistence and adequate shelter, as defined in Section 4-2;
 - (2) Veterinary care when needed to prevent suffering; and
 - (3) Humane care and treatment.

All animals shall be kept in a clean and sanitary condition. The premises upon which the animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

- (b) No owner of an animal shall abandon such animal. A person who returns a community cat to the location from where it was collected shall not be considered to have abandoned that animal.

- (c) Any animal found abandoned and not properly cared for, appearing to be diseased or injured past recovery for any useful purpose, may be ~~lawfully destroyed~~humanely euthanized by an agent of the department of health and environmental control, law enforcement officer, or an animal control officer~~or officer of the Humane Society,~~ by a method approved by state law.

(1) If the animal is identifiable, attempts to contact the owner shall be made by phone or at the residence in person.

(2) If the animal is not identifiable and is in great pain, the cause of which is not reasonably treatable, the animal may be humanely euthanized immediately without attempts to contact the owner.

- (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by the animal control officer or law enforcement officer and impounded at the county animal shelter; provided, however, that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

- (e) The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

(Ord. No. 2005-01, § 9, 2-1-2005)

Sec. 4-10. Sterilization.

- (a) No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and a specified date in the contract for pups and kittens; provided, however, the county provides a program whereby the spay/neuter is included with the adoption fee.
- (b) No animal shall be released for adoption from the county animal shelter that has not been sterilized; provided however, that the county or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

(Ord. No. 2005-01, § 10, 2-1-2005)

Sec. 4-11. Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies legally authorized by the county ~~authority~~for that purpose. It shall be a violation of this chapter to interfere with an animal control officer or law enforcement officer in the performance of his duties. ~~It shall be a violation of this chapter to provide false information to a law enforcement officer or an animal control officer. This includes but is not limited to information provided on intake forms, bite reports, owner surrender forms, complaint forms, and reclaim forms. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. Additionally, the~~ magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

(Ord. No. 2005-01, § 11, 2-1-2005)

Sec. 4-12. Penalties for violation of chapter.

Any person found violating any ~~provisions~~provision of this chapter shall be deemed guilty of a misdemeanor and ~~shall, for every each offense, may be guilty of a misdemeanor fined and be punished by imprisonment in jail not exceeding 30 days / or by a fine not exceeding \$500.00~~imprisoned consistent with the jurisdictional limits of the magistrate's court. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner or owners and placed within an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated, or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

(Ord. No. 2005-01, § 12, 2-1-2005)

Sec. 4-13. Applicability of Rabies Control Act.

The provisions of S.C. Code 1976, § 47-5-10 et seq., commonly known as the Rabies Control Act, are hereby adopted in their entirety, as the same may be from time to time amended, as an

integral part of this chapter, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this chapter.

(Ord. No. 2005-01, § 13, 2-1-2005)

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2022-31

**AN ORDINANCE TO ACKNOWLEDGE AND AUTHORIZE
THE EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT BETWEEN OCONEE COUNTY AND THE CITY
OF WALHALLA FOR THE PROVISION OF A COUNTY
MAGISTRATE TO ACT AS MUNICIPAL JUDGE FOR THE
CITY OF WALHALLA; AND OTHER MATTERS RELATED
THERETO.**

WHEREAS, Oconee County, South Carolina (“Oconee County”), is a body politic and corporate and a political subdivision of the State of South Carolina;

WHEREAS, the City of Walhalla (the “City”) has established a municipal court, which is part of the South Carolina unified judicial system, to hear and determine all cases within its jurisdiction;

WHEREAS, pursuant to §14-25-25 of the South Carolina Code of Laws, 1976, as amended (the “Act”), a municipality may contract with a county governing authority for the services of a magistrate to serve as its municipal judge and may designate such magistrate as its municipal judge;

WHEREAS, significant changes in South Carolina laws have made it impracticable for some municipalities to continue to independently operate municipal courts on an efficient, economical basis;

WHEREAS, the City acknowledges that the Oconee County Magistrate’s Office (“County Magistrate’s Office”) has the capability to provide the City with a county magistrate to act as a municipal judge, to hear and determine all cases under the City’s jurisdiction, thereby providing this vital service to the citizens of Walhalla on an uninterrupted basis with maximum cost efficiency;

WHEREAS, the City is willing to compensate the County Magistrate’s Office for providing the City with a county magistrate to act as a municipal judge, and the City has formally requested a contractual arrangement with the County so that the County Magistrate’s Office may make a county magistrate available to be designated by the City as its municipal judge;

WHEREAS, the County Magistrate’s Office is willing to provide the City with a county magistrate, to act as a municipal judge to hear and determine all cases under the City’s jurisdiction in return for compensation from the City;

WHEREAS, Oconee County recognizes that such an arrangement would efficiently serve the taxpayers of both governmental entities;

WHEREAS, the Chief Magistrate of Oconee County has agreed to seek an Order from the Chief Justice of the South Carolina Supreme Court, authorizing the Chief Magistrate of the County to assign any magistrate of the County as the municipal judge for the City and to assign a magistrate to serve as an associate municipal judge;

WHEREAS, through the authority granted by the Act, the City and Oconee County desire to enter into an intergovernmental agreement (the “Agreement”) in the form attached hereto as Exhibit A; and

WHEREAS, pursuant to the Agreement, Oconee County intends to pay the assigned magistrate additional and clearly separate compensation solely for additional duties as a Municipal Judge for the City, over and above and not as a part of the compensation received by such assigned magistrate for his or her duties as magistrate pursuant to §22-8-40 of the South Carolina Code of Laws, 1976, as amended, contingent on the assigned magistrate signing a document acknowledging that the compensation is separate and solely for such additional duties as Municipal Judge.

NOW, THEREFORE, it is hereby ordained, by the Oconee County Council, in meeting duly assembled that:

1. Oconee County, acting by and through the Oconee County Council, hereby acknowledges and accepts the Agreement.
2. The Oconee County Administrator is authorized to execute the Agreement on behalf of Oconee County and to take all other steps and actions as are necessary or appropriate to enter into and enforce the Agreement.
3. The Oconee County Administrator shall ensure that any payments made to the assigned magistrate pursuant to or as a result of the Agreement are additional and clearly separate compensation, solely for additional duties as a Municipal Judge for the City, over and above and not as a part of the compensation received by such assigned magistrate for his or her duties as magistrate pursuant to §22-8-40 of the South Carolina Code of Laws, 1976, as amended, and the Oconee County Administrator shall ensure that before any payment is made, the assigned magistrate signs a document acknowledging that the compensation is separate and solely for such additional duties as Municipal Judge and will last only so long as the assigned magistrate is performing such duties.
4. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
5. All ordinances, orders, resolutions, and actions of the Oconee County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
6. This Ordinance shall take effect and be in full force from and after third reading and enactment by Oconee County Council.

ORDAINED in meeting, duly assembled, this _____ day of _____, 2023.

ATTEST:

Jennifer C. Adams
Clerk to Oconee County Council

Chair, Oconee County Council

First Reading: December 06, 2022
Second Reading: December 16, 2022
Third Reading: January 03, 2023
Public Hearing: January 03, 2023

Oconee County Council

Oconee County
Administrative Offices
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John Elliott
Chairman
District I

District II

Paul A. Cain
Vice Chairman
District III

Julian Davis, III
Chairman Pro Tem
District IV

J. Glenn Hart
District V



The Oconee County Council will meet in 2022 on the first and third Tuesday of each month with the following exceptions:

- July & August meetings, which will be **only** on the third Tuesday of each of these months;
- December meeting, which will be **only** the first Tuesday of the month.

All Council meetings, unless otherwise noted, are held in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, South Carolina.

Oconee County Council will also hold a Planning Retreat beginning at 9:00 a.m. on Friday, February 18, 2022 in Council Chambers to establish short and long term goals.

Oconee County Council will also meet on Tuesday, January 4, 2022 in Council Chambers at which point they will establish their 2022 Council and Committee meeting schedules.

Oconee County Council will also hold a Budget workshop on Friday, March 18, 2022 in Council Chambers.

Additional Council meetings, workshops, and/or committee meetings may be added throughout the year as needed.

Oconee County Council Committees will meet in 2022 prior to County Council meetings on the following dates/times in Council Chambers located at 415 South Pine Street, Walhalla, South Carolina unless otherwise advertised.

The Law Enforcement, Public Safety, Health, & Welfare Committee at 4:30 p.m. on the following dates: February 15, April 5, July 19, & September 20, 2022.

The Transportation Committee at 4:30 p.m. on the following dates: February 15, April 19 [4:00 p.m.], July 19, & September 20, 2022.

The Real Estate, Facilities, & Land Management Committee at 4:30 p.m. on the following dates: March 15, May 17, August 16, & October 18, 2022.

The Planning & Economic Development Committee at 4:30 p.m. on the following dates: March 15, May 17, August 16, & October 18, 2022.

The Budget, Finance, & Administration Committee at 9:00 a.m. on the following dates: February 18 [Strategic Planning Retreat] & March 18 [Budget Workshop] and 4:30 p.m. on the following dates: March 1, April 19, & May 3, 2022.

OCONEE CODE OF ORDINANCES

Sec. 2-61. - Access to and conduct at county meetings, facilities and property.

(a) *Purpose.* The county council has determined that it is necessary to regulate access to county facilities, grounds and property in order to ensure the safety and security of the public who visit these areas or the county employees who serve them. The conduct of persons who visit county facilities and/or who have contact with county employees must also be regulated to preserve public order, peace and safety. The regulation of access and conduct must be balanced with the right of the public to have reasonable access to public facilities and to receive friendly, professional service from county employees. These regulations apply to all county facilities and meetings, as defined below, for and over which county council exercises control and regulation, and to the extent, only, not pre-empted by state or federal law.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Facility means any building, structure, or real property owned, leased, rented, operated or occupied by the county or one of its departments, offices or agencies.

Meeting means any assemblage of persons for the purpose of conducting county governmental business, operations or functions or any assemblage of persons within a county governmental facility. The term "meeting" includes, but is not limited to, county council meetings, county board and committee and staff meetings, trials, hearings and other proceedings conducted in the courts of general sessions and common pleas, family court, master-in-equity, probate court and magistrate's court; and other meetings by entities duly authorized by the county council.

(c) *Prohibited acts.* It shall be unlawful for any person to:

- (1) Utter loud, obscene, profane, threatening, disruptive or abusive language or to engage in any disorderly or disruptive conduct that impedes, disrupts or disturbs the orderly proceedings of any meeting, or operations of any department or function of the county government, including, without limitation, speaking when not explicitly recognized and authorized to do so by the presiding official in such meeting.
- (2) Bring, carry, or otherwise introduce any firearm, knife with blade longer than two inches or other dangerous weapon, concealed or not concealed, into any facility or meeting. This prohibition does not apply to law enforcement personnel or any other person whose official, governmental duties require them to carry such firearm, knife, or other weapon.
- (3) Engage in partisan political activity, including speech, in any meeting not authorized and called for the purpose of partisan political activity and explicitly authorized for such purpose in the facility in which such activity is to be conducted, or refusing to cease such activity when the presiding official of the meeting in question has ruled that the activity in question is partisan political activity and has directed that such activity stop.
- (4) Interfere with, impede, hinder or obstruct any county governmental official or employee in the performance of his duties, whether or not on county government property.
- (5) Enter any area of a county government facility, grounds or property when such entry is prohibited by signs, or obstructed or enclosed by gates, fencing or other physical barriers. Such areas include rooms if clearly marked with signs to prohibit unauthorized entry.
- (6) Enter by vehicle any area of a county governmental facility, grounds or property when such area is prohibited by signs or markings or are obstructed by physical barriers; or park a vehicle in such restricted areas; or park in a manner to block, partially block or impede the passage of traffic in driveways; or park within 15 feet of a fire hydrant or in a fire zone; or park in any area not designated as a parking space; or park in a handicapped parking space without proper placarding or license plate; or park in a reserved parking space without authorization.

PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

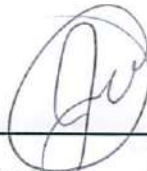
IN RE: ORDINANCE 2022-26, 29, 31

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on 12/08/2022 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Hal Welch
General Manager

Subscribed and sworn to before me this
12/08/2022



Jessica Wells
Notary Public
State of South Carolina
My Commission Expires November 13, 2030



Jessica Lee Wells
NOTARY PUBLIC
State of South Carolina
My Commission Expires
November 13, 2030

Jim & Marjorie Stokes Estate Sale

Thursday Dec. 8th through Sunday Dec. 11 9am Until 5pm

215 SW First St. Seneca, SC

For pictures; Estatesale.org enter 29678 and click Jim and Marjorie Stokes Estate Sale.

GARAGE & YARD SALES

Garage Sale!

Fri Dec. 9 & Sat. Dec. 10
8am-2pm
17040 S Hwy 11 Fair Play SC

We are selling furniture, books, brass, ceramic tile, christmas stuff, toys, baby items, clothes, lots of free items!

CASH SALES ONLY

SERVICES

DIRECTV Stream- Carries the most local MLB games! CHOICE package, \$89.99/mo for 12 months. Stream on 20 devices in your home at once. HBO max included for 3 mos (w/CHOICE

are available on an equal opportunity basis.

LEGALS

There will be a public hearing on Tuesday, January 3, 2023 at 6 p.m. in Oconee County Council Chambers located at 415 S. Pine St. Walhalla, SC for the following ordinances:

ORDINANCE 2022-26 AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 6 OF THE OCONEE COUNTY CODE OF ORDINANCES IN RELATION TO THE ADOPTION OF MANDATORY AND PERMISSIVE BUILDING AND RELATED CODES AND STANDARDS; AND OTHER MATTERS RELATED THERETO.

ORDINANCE 2022-29 AN ORDINANCE TO AMEND CHAPTER 4 OF THE OCONEE COUNTY CODE OF ORDINANCES, ENTITLED THE OCONEE COUNTY ANIMAL CONTROL ACT; AND OTHER MATTERS RELATED THERETO.

ORDINANCE 2022-31 AN ORDINANCE TO ACKNOWLEDGE AND AUTHORIZE THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN OCONEE COUNTY AND THE CITY OF WALHALLA FOR THE PROVISION OF A COUNTY MAGISTRATE TO ACT AS MUNICIPAL JUDGE FOR THE CITY OF WALHALLA; AND OTHER MATTERS RELATED THERETO.

FURNITURE AND CABINETS

The Masters Wood Shop
864-965-8100

HOME IMPROVEMENT

A Touch of Fire
Gas Logs & Fireplace Service



Fireplace Construction

Gas Lines & Logs Installation

Wood Stoves & Gas Appliances Installed

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Elwood8323@AOL.co



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THE JOURNAL



**You deliver.
We deliver.**

**CARRIERS
NEEDED**

The Journal has excellent opportunities to

EARN EXTRA MONEY!



Public Comment SIGN IN SHEET

January 3, 2023

6:00 PM

The Public Comment Sessions at this meeting is limited to a total of 40 minutes, 4 minutes per person. Please be advised that citizens not utilizing their full four [4] minutes may not "donate" their remaining time to another speaker.

PLEASE PRINT

	FULL NAME	PURPOSE OF COMMENT
1	TOM MARKOVICH	Sewer South
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Everyone speaking before Council will be required to do so in a civil manner. Council will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.



PUBLIC HEARING SIGN IN SHEET

Oconee County Council Meeting

January 3, 2023 ~ 6:00 p.m.

ORDINANCE 2022-26 AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 6 OF THE OCONEE COUNTY CODE OF ORDINANCES IN RELATION TO THE ADOPTION OF MANDATORY AND PERMISSIVE BUILDING AND RELATED CODES AND STANDARDS; AND OTHER MATTERS RELATED THERETO.

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Written comments may be submitted at any time prior to the hearing for inclusion in the official record of the meeting.

PRINT Your Name & Check Ordinance[s] You Wish to Address

	Ordinance #	Ordinance 2022-26	Ordinance 2022-29	Ordinance 2022-31
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
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None

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2023 AGENDA ITEM SUBMISSION SCHEDULE
 [One Meeting July/August/December - Rest Two Meetings Each Month]

JANUARY				
M	T	W	T	F
	3	4	5	6
9	10	11	12	13
	17	18	19	20
23	24	25	26	27
30	31			

JULY				
M	T	W	T	F
3		5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

Committees

LEPSHW

- 2/21/2023
- 5/16/2023
- 7/18/2023
- 9/19/2023

FEBRUARY				
M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
	21	22	23	24
27	28			

AUGUST				
M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

Transportation

- 2/21/2023
- 5/16/2023
- 7/18/2023
- 9/19/2023

MARCH				
M	T	W	T	F
		1	2	3
6	7	8	9	10
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20	21	22	23	24
27	28	29	30	31

SEPTEMBER				
M	T	W	T	F
				1
	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

Planning

- 3/21/2023
- 6/6/2023
- 8/15/2023
- 10/17/2023

APRIL				
M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

OCTOBER				
M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

REFLM

- 3/21/2023
- 6/6/2023
- 8/15/2023
- 10/17/2023

MAY				
M	T	W	T	F
1	2	3	4	5
8	9		11	12
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	30	31		

NOVEMBER				
M	T	W	T	F
		1	2	3
6	7	8	9	
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Budget

- 3/7/2023
- 3/24/2023 [9am]
- 4/18/2023
- 5/2/2023

- 5/2/2023 1st
- 5/16/2023 2nd/PH
- 6/6/2023 3rd/PH

JUNE				
M	T	W	T	F
			1	2
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12	13	14	15	16
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DECEMBER				
M	T	W	T	F
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18	19	20	21	
		27	28	29

**Strategic Planning
Retreat is scheduled for
Friday, Feb. 24, 2023
beginning at 9 a.m.**

**ALL Committee
meetings begin at
4:30 p.m. unless
otherwise noted.**

- COUNCIL MEETING
- SUBMISSION DUE DATE
- HOLIDAYS/CLOSED
- SPECIAL COUNCIL MEETING
- BUDGET COMMITTEE MEETING
- BUDGET AND COUNCIL MEETING
- NO MEETING
- COMMITTEE & COUNCIL MEETING

Jan-24				
M	T	W	T	F
	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

Oconee County Council
Committee Assignments & Meeting Dates
2023

Budget, Finance & Administration

February 24th [Strategic Planning Retreat beginning at 9 a.m.]

March 24th [Budget Workshop -9a.m.]

March 7th, April 18th, May 2nd [4:30 p.m. – prior to CC meeting]

- **Mr. Elliott, Chair**
- All Council Members

Law Enforcement, Public Safety, Health & Welfare [4:30 p.m. – prior to CC meeting]

February 21st, May 16th, July 18th, September 19th

- **Mr. Davis, Chair**
- Mr. Mize
- Mr. Elliott

Transportation [4:30 p.m. – prior to CC meeting]

February 21st, May 16th, July 18th, September 19th

- **Mr. Hart, Chair**
- Mr. Davis
- Mr. Elliott

Planning & Economic Development [4:30 p.m. – prior to CC meeting]

March 21st, June 6th, August 15th, & October 17th

- **Mr. Davis, Chair**
- Mr. Mize
- Mr. Elliott

Real Estate, Facilities & Land Management [4:30 p.m. – prior to CC meeting]

March 21st, June 6th, August 15th, & October 17th

- **Mr. Mize, Chair**
- Mr. Davis
- Mr. Hart

ALL Committee meetings begin at 4:30 p.m. unless otherwise noted.